

4377.  
1 BILL NO. S-79<sup>2</sup> //

2 SPECIAL ORDINANCE NO. S-

33-79

3 AN ORDINANCE approving a contract for  
4 Water Contract #78-XP-1, between the City  
5 of Fort Wayne, Indiana and Engineering  
6 Sales Company, Inc. for construction of  
7 water mains.

8 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,  
9 INDIANA:

10 SECTION 1. That a certain contract, dated January 24, 1978,  
11 between the City of Fort Wayne, Indiana, by and through its Mayor and the  
12 Board of Public Works and Engineering Sales Company, Inc., for:

13 construction of water main on Ardmore Avenue from a  
14 point 200+ LF South of Engle Road Southward 220+ LF;  
15 thence West 45+ LF.

16 under Board of Public Works Water Contract #78-XP-1, at a total cost of  
17 \$12,723.00, developer to pay \$8,830.00 and City Utilities to pay \$3,893.00,  
18 the difference for the oversized water main, all as more particularly set  
19 forth in said contract which is on file in the Office of the Board of Public  
20 Works and is by reference incorporated herein and made a part hereof, be and  
21 the same is in all things hereby ratified, confirmed and approved.

22 SECTION 2. That this Ordinance shall be effective upon passage  
23 and approval by the Mayor.

24   
25 Councilman

26  
27  
28  
29  
30  
31  
32 APPROVED AS TO FORM  
AND LEGALITY,

  
CITY ATTORNEY

Read the first time in full and on motion by Burns, seconded by

James, and duly adopted, read the second time by title and referred to the Committee on City of Fort Wayne (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: 2-13-79

Charles W. Utterman  
CITY CLERK

Read the third time in full and on motion by Burns,

seconded by Talarico, and duly adopted, placed on its passage.

PASSED ~~(LOST)~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
TOTAL VOTES	<u>8</u>	<u>0</u>	_____	<u>1</u>	_____
BURNS	<u>X</u>	_____	_____	_____	_____
HINGA	<u>X</u>	_____	_____	_____	_____
HUNTER	<u>X</u>	_____	_____	_____	_____
MOSES	<u>X</u>	_____	_____	_____	_____
NUCKOLS	<u>X</u>	_____	_____	_____	_____
SCHMIDT, D.	_____	_____	_____	<u>X</u>	_____
SCHMIDT, V.	<u>X</u>	_____	_____	_____	_____
STIER	<u>X</u>	_____	_____	_____	_____
TALARICO	<u>X</u>	_____	_____	_____	_____

DATE: 2-27-79

Charles W. Utterman  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

(ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE

(RESOLUTION) No. 2-33-79 on the 27th day of February, 1979.

ATTEST: (SEAL)

Charles W. Utterman  
CITY CLERK

Winifred C. Moore JR  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th

day of February, 1979 at the hour of 3:00 o'clock P. M., E.S.T.

Charles W. Utterman  
CITY CLERK

Approved and signed by me this 7th day of March, 1979.

at the hour of 2:30 o'clock P. M., E.S.T.

Robert E. Armstrong  
MAYOR

*Handwritten initials*

S-79-02-11

Bill No. \_\_\_\_\_

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance  
approving a contract for Water Contract #78-XP-1, between the City  
of Fort Wayne, Indiana and Engineering Sales Company, Inc. for  
construction of water mains

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance do PASS.

PAUL M. BURNS - CHAIRMAN

SAMUEL J. TALARICO - VICE CHAIRMAN

VIVIAN G. SCHMIDT

DONALD J. SCHMIDT

JAMES S. STIER

*Handwritten signature of Paul M. Burns*

*Handwritten signature of Samuel J. Talarico*

*Handwritten signature of Vivian G. Schmidt*

*Handwritten signature of James S. Stier*

2-27-79

CONCURRED IN

DATE \_\_\_\_\_ CHARLES W. HARRISON, CITY CLERK



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

board of public works

December 15, 1978

The Common Council  
Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

The Board of Works is entering into a Water Contract No. 78-XP-1, with Engineering Sales Co., Inc. for the construction of a water main on Ardmore Avenue from a point 200+ LF south of Engle Road southward 220+ LF; thence west 45+ LF.

Contractor has advised Water Engineering Department that he wishes to start construction immediately in order that this area may be served with city water as requested.

Therefore, Board of Works respectfully requests "Prior Approval" so that work may begin immediately.

Special Ordinance for formal approval will be submitted in the very near future.

Sincerely,

BOARD OF PUBLIC WORKS

*Henry P. Wehrenberg*  
HENRY P. WEHRENBURG, CHAIRMAN

CITY OF FORT WAYNE

*Robert E. Armstrong*  
ROBERT E. ARMSTRONG, MAYOR

ep  
APPROVED:

*John G. Guzik* *Fredrick W. White* *Samuel J. Telavio*  
*John G. Guzik* *Wm. W. W. W.* *Robert T. Hagg*  
*W. W. W.* *Samuel J. Telavio*

MEMBERS OF THE COMMON COUNCIL

ATTEST:

*Charles W. Westerman*  
CHARLES W. WESTERMAN, CLERK

# Memorandum

To Board of Public Works Date 1/8/79  
From D. L. Foland, Water Engineering  
Subject ARDMORE AVENUE WATER MAIN CONTRACT #78-XP-1, B.O. #162-78

COPIES TO:

As requested by Associate City Attorney, Larry J. Burke, we are returning herewith the original of the above Water Main Contract.

We have inserted Paragraph 6 on Page 2 relative to the water main becoming City property upon completion. Also, it should be noted that Bercot, Inc. will file a Completion Affidavit and a Maintenance Bond as stated in the Construction Agreement, Paragraph 5, which was signed by the Board on November 6, 1978.

Should you have any questions, please contact the undersigned.



D. L. Foland, P. E.  
Chief Water Engineer

DLF/SR/rcw  
Attach.

NOTED

☐ H.P.W.

*EHL* E.H.L.

*MG* M.G.S.

Date \_\_\_\_\_

BOARD OF PUBLIC WORKS

JAN 9 - 1979

67-28-11  
1/24/79

67-28-11 1/24/79

CONTRACT NO. 78-XP-1

BOARD ORDER NO. 162-78

WORK ORDER NO. 63407

THIS AGREEMENT, made and entered into this 24 day of January, 1978, by and between ENGINEERING SALES CO., INC., hereinafter called CONTRIBUTOR, and the FORT WAYNE WATER UTILITY of the City of Fort Wayne, Indiana, by and through the MAYOR and the BOARD OF PUBLIC WORKS of said City, hereinafter called UTILITY, WITNESSETH:

That the said Contractor and the said Utility for the considerations hereinafter named, agree as follows:

1. That the Utility and the Contributor shall proceed dependent upon procurement of materials and labor and with reference to other similar work of said parties to construct water mains, including all necessary fittings as follows:

On Ardmore Avenue from a point 200± LF south of Engle Road southward 220± LF; thence west 45± LF.

Said water main to include: 220± LF of 12" and 45± LF of 6" Ductile Iron Water Main

2. That said water main system shall be constructed according to the standards, plans, and specifications of the Utility and the said Utility shall furnish water thru said main when completed, in accordance with the rules and regulations of said Utility, and the laws, ordinances and regulations applicable thereto, now in force, or that may hereafter be adopted.

It is, however, understood and agreed that the Utility will not furnish water thru any part or parts of the water main covered hereunder unless and until the entire main shall have been tested, disinfected, and placed in service and accepted by said Utility.

3. It is understood and agreed by and between the parties of this Contract that the total cost of said water main is Twelve Thousand Seven Hundred Twenty-Three Dollars and no cents (\$12,723.00). It is also understood and agreed by and between the parties of this Contract that the said Contributor shall bear the cost of the water main on the basis of a 6" water main, the cost of which is Eight Thousand Eight Hundred Thirty Dollars and no cents (\$8,830.00) and which amount is the contract price of this AGREEMENT, which sum shall be paid to the utility upon execution of this contract. Finally the utility will bear the difference in cost between a six (6) inch and a twelve (12) inch water main, in the amount of Three Thousand Eight Hundred Ninety-Three dollars and no cents (\$3,893.00).
4. It is further understood and agreed by and between the parties of this contract that should any additional party wish to have a service connection tap made into this water main within a period of 15 years from the above date and become a permanent consumer of water along the east side of and adjacent to Ardmore Avenue from a 12" water valve located 215.5± feet south of the centerline of Engle Road, southward 236± feet to a 12" water valve. The affected property is located in the northwest quarter of northwest

quarter of Section 21, Township 30 North, Range 12 East (Wayne Township). He shall apply to the said utility for a permit to tap the above said water main and shall be required to pay to said Utility his share of the installation cost in addition to the regular tapping fee, which share shall be Fourteen Dollars and Sixty-Eight Cents (\$14.68) per front foot. The money so collected and shall be paid to Engineering Sales Co., Inc. within ninety (90) days.

6. Upon completion of said water main and acceptance by the said Utility, the water main and fittings installed under this contract shall form and be a part of the water works system of said Utility, and all rights, title, and interest whatsoever in said water main system shall become and remain in the City of Fort Wayne, Indiana.
7. This Agreement, although executed on behalf of the Owner by its Mayor and the Board of Public Works, shall not be binding upon the Owner unless and until the same shall have been ratified and approved by Common Council. Failure to approve the same within ninety (90) days after the date hereof, then this Contract shall become null and void.

WITNESS THE HANDS AND SEALS OF SAID PARTIES the day and year are first above written.

CITY OF FORT WAYNE, INDIANA

BOARD OF PUBLIC WORKS:

BY Robert E. Armstrong, Mayor

BY Henry P. Wehrenberg, Chairman

ATTEST:

Ethel H. LaMar  
Ethel H. LaMar, Member

Ursula Miller  
Ursula Miller, Clerk

Max G. Scott  
Max G. Scott, Member

APPROVED AS TO FORM AND LEGALITY:

CONTRIBUTOR:  
ENGINEERING SALES COMPANY, INC.

Larry J. Burke  
Larry J. Burke, Assoc. City Atty.

BY: B. A. Spiller  
B. A. Spiller, President

Prepared by:  
D. L. Foland  
Chief Water Engineer

BY: M. E. Krzyminski  
M. E. Krzyminski, Secty-Treas.

DLF/rcw

## ACKNOWLEDGMENT

STATE OF INDIANA) )  
COUNTY OF ALLEN ) SS:

BEFORE ME, a Notary Public, in and for said County and State, this \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_, personally appeared the within named ROBERT E. ARMSTRONG, Mayor of the City of Fort Wayne; HENRY P. WEHRENBURG, ETHEL H. LAMAR, and MAX G SCOTT, members of the Board of Public Works, City of Fort Wayne, Indiana; URSULA MILLER, Clerk of the Board of Public Works, City of Fort Wayne, Indiana, to me personally known, who being by me duly sworn said that they are respectively the Mayor of the City of Fort Wayne, the Members and Clerk of the Board of Public Works of the City of Fort Wayne, Indiana, and that they signed said instrument on behalf of the FORT WAYNE WATER UTILITY of the City of Fort Wayne, Indiana, with full authority so to do and acknowledged said instrument to be the voluntary act and deed of said Department of said City for the uses and purposes therein set forth.

IN WITNESS WHEREOF, hereunto subscribed my name, affixed my official seal.

My Commission Expires:



ACKNOWLEDGEMENT

STATE OF INDIANA:

SS:

COUNTY OF ALLEN:

BEFORE ME, a Notary Public, in and for said County and State, this 5th  
day of January, 1979, personally appeared the within named  
Bruce A. Spiller and Marion E. Krzyminski, who being by me first duly sworn  
upon their oath say that they are the President, Secretary, and Treasurer,  
respectively, of the ENGINEERING SALES CO., INC. and as such duly authorized  
to execute the foregoing instrument and acknowledged the same as the voluntary  
act and deed of ENGINEERING SALES CO., INC. for the uses and purposes therein  
set forth.

IT WITNESS WHEREOF, hereunto subscribed my name, affixed my official seal.

Bonnie M. Swartz  
NOTARY PUBLIC

Bonnie M. Swartz

MY COMMISSION EXPIRES:

11-2-80



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

board of public works

December 15, 1978

The Common Council  
Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

The Board of Works is entering into a Water Contract No. 78-XP-1, with Engineering Sales Co., Inc. for the construction of a water main on Ardmore Avenue from a point 200+ LF south fo Engle Road southward 220+ LF; thence west 45+ LF.

Contractor has advised Water Engineering Department that he wishes to start construction immediately in order that this area may be served with city water as requested.

Therefore, Board of Works respectfully requests "Prior Approval" so that work may begin immediately.

Special Ordinance for formal approval will be submitted in the very near future.

Sincerely,

BOARD OF PUBLIC WORKS

*Henry P. Wehrenberg*  
HENRY P. WEHRENBURG, CHAIRMAN

CITY OF FORT WAYNE

*Robert E. Armstrong*  
ROBERT E. ARMSTRONG, MAYOR

APPROVED:

*[Signatures of Common Council Members]*  
John Hackle, Fredrick [unclear], [unclear]  
[unclear], [unclear], [unclear]  
[unclear], Samuel J. Tolano

MEMBERS OF THE COMMON COUNCIL

ATTEST:

*Charles W. Westerman*  
CHARLES W. WESTERMAN, CLERK

4379

TITLE OF ORDINANCE SPECIAL ORDINANCE - WATER CONTRACT 78-XP-1, ARDMORE AVE./ENGLE ROAD AREADEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS

2-79-02-11

SYNOPSIS OF ORDINANCE WATER CONTRACT NO. 78-XP-1, FOR CONSTRUCTION OF WATER MAIN ON ARDMORE  
AVENUE FROM A POINT 200+ LF SOUTH OF ENGLE ROAD SOUTHWARD 220+ LF; THENCE WEST  
45+ LF. ENGINEERING SALES CO., INC., DEVELOPER FOR THE PROJECT.

(MEMORANDUM AND CONTRACT ATTACHED)

(PRIOR APPROVAL ACQUIRED DECEMBER 15, 1978)

EFFECT OF PASSAGE CONSTRUCTION OF WATER MAIN TO SERVE ABOVE-DESCRIBED AREA

EFFECT OF NON-PASSAGE

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) DEVELOPER TO PAY \$8,830.00 AND  
CITY UTILITIES TO PAY \$3893.00. THE DIFFERENCE FOR THE OVERSIZED WATER MAIN

ASSIGNED TO COMMITTEE